

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

**ANDREW BISHOP  
208 FORREST STREET  
LAGRANGE, OHIO 44050**

**Plaintiff**

**vs.**

**GOLDMAN AND ROSEN, LTD.  
11 SOUTH FORGE STREET  
AKRON, OHIO 44304**

**Defendant**

**Case Number**

**CIVIL COMPLAINT**

**JURY TRIAL DEMANDED**

**COMPLAINT AND JURY DEMAND**

**COMES NOW**, Plaintiff, Andrew Bishop, by and through his undersigned counsel, Thomas P. Ryan, Esquire complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Andrew Bishop, is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

## **II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

3. Venue in this District is proper in that the Plaintiff resides in this District and the Defendant transacts business in this District.

## **III. PARTIES**

4. Plaintiff, Andrew Bishop, is an adult natural person residing at 208 Forest Street, Lagrange, Ohio 44050. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, Goldman and Rosen, LTD (“Defendant”), at all times relevant hereto, is and was a law office engaged in the business of collecting debt within the State of Ohio with its principal place of business located at 11 South Forge Street, Akron, Ohio 44304.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

## **IV. FACTUAL ALLEGATIONS**

7. On or about January 12, 2010, Plaintiff was served with a summons (*Case #10 CV-00235*) from the Defendant to appear before the court in Summit County in the

Akron Municipal Court in regards to a debt owed to First Merit Bank NA. for \$12,742.29. **See Exhibit "A" (summons) attached hereto.**

8. Defendant demanded that a judgment be placed on the Plaintiff for the above mentioned sum at 15.90% interest per annum.

9. Plaintiff resides in Lorain County.

10. Plaintiff signed the contract for the above mentioned account in Lorain County. This is a violation of The Fair Debt Collection Practices Act because it requires for consumer debt law suits to be filed either where the consumer resides or where the contract was signed.

11. Defendant who is the attorney for First Merit Bank NA filed their petition against the Plaintiff in Summit County. Defendant's offices are located in Summit County.

12. Plaintiff is represented by the law firm of Persels & Associates, LLC to help aid him in is debt settlement. With their help, Plaintiff requested a change of venue.

13. This request was denied.

14. The Defendant acted in a false, deceptive, misleading and unfair manner when they engaged in conduct the natural consequence of which is to harass, oppress or abuse such person in connection with the collection of a debt.

15. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

16. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

17. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

### **COUNT I – FDCPA**

18. The above paragraphs are hereby incorporated herein by reference.

19. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

20. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

- |              |  |
|--------------|--|
| §§ 1692e     | Any other false, deceptive, or misleading representation or means in connection with the debt collection |
| §§ 1692e(10) | Any false representation or deceptive means to collect a debt  |
| §§ 1692f     | Any unfair or unconscionable means to collect or attempt to collect the alleged debt                     |

§§ 1692i(a)(2) Brought any legal action in a location other than  
where the contract was signed or where the  
consumer resides

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the  
Defendant, Goldman and Rosen, LTD for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the  
interests of justice require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**Date: August 5, 2010**

**BY: /s/ Thomas P. Ryan**  
Thomas P. Ryan, Esquire

Thomas P. Ryan, Esquire  
Attorney for Plaintiff  
1370 Ontario Street  
Suite 2000  
Cleveland, Ohio 44113  
216-363-6028  
216-696-1718 (FAX)